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10 Attorneys for Defendant
JOHN J. COTA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,
16
17 v.
18 JOHN J. COTA
19 and
FLEET MANAGEMENT, INC.

Case No. CR 08-0160 SI

**DEFENDANT JOHN J. COTA'S NOTICE
OF MOTION AND MOTION TO
CHANGE VENUE OR
ALTERNATIVELY, FOR SPECIAL JURY
SELECTION PROCEDURES**

Date: September 22, 2008
Time: 11:00 am
Judge: Honorable Susan Illston

Speedy Trial Act; Excludable Time Through Disposition, 18 U.S.C. § 3161(h)(1)(F)

TO UNITED STATES ATTORNEY JOSEPH P. RUSSONIELLO:

25 **PLEASE TAKE NOTICE** that at 11:00 a.m. on September 19, 2008 or as soon thereafter as
26 counsel may be heard in the above entitled Court, Defendant JOHN J. COTA (“Captain Cota”) will
27 and hereby does move this Court for an order to change venue or alternatively, for special jury

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DEFENDANT JOHN J. COTA'S NOTICE OF MOTION AND MOTION TO CHANGE VENUE
OR ALTERNATIVELY, FOR SPECIAL JURY SELECTION PROCEDURES
CR 08-0160 SI

1 selection procedures, in this matter pursuant to Rule 12(b)(2) and (3) of the Federal Rules of
2 Criminal Procedure. Specifically, Captain Cota seeks a change of venue or alternatively, for special
3 jury selection procedures based on the grounds that there has been overwhelming prejudicial
4 publicity in the Bay Area regarding this incident making it difficult, if not impossible for him to
5 receive a fair trial before an unbiased jury.

6 This motion is based on this Notice of Motion and Motion, the attached Affidavit of Craig
7 New and exhibits in support thereof, the complete files and records in this matter, and upon such
8 other matters as may be presented to the Court at the time of the hearing.

9 Respectfully submitted,

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11 DATED: August 18, 2008.

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP

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14 By: /s/ Jeffrey L. Bornstein

15 Jeffrey L. Bornstein, Esq.
16 Barry M. Hartman, Esq., *Admitted Pro Hac Vice*
17 Luke G. Anderson Esq.
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18 Attorneys for Defendant
19 JOHN J. COTA